

Appl. No. 10/763,024
Atty. Docket No.: 2003B003/2
Amendment dated June 22, 2007
Reply to Office Action dated April 18, 2007

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REMARKS/ARGUMENTS

Claims 25-29 and 34-42, as amended, are currently pending for the Examiner's review and consideration. Applicants appreciate the acknowledgment of allowability of claims 34-42. Claims 25-26 have been amended herein to correct grammatical informalities unrelated to any prior art or indefiniteness rejections. In response to the informality claim objection, claims 27 and 29 have been amended herein to appropriately clarify that the methanol heating step is being labeled step (f), instead of step (g). No new matter has been added by these amendments.

Claims 25-29 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth on page 2 of the Office Action. The Examiner has proposed an amendment to claim 25 that would require the order of steps after step (b) to be, in order, (c)-(d)-(e). Applicants respectfully traverse and explain below.

Applicants respectfully submit that the claim is not indefinite, but merely flexible. After effluent stream production in step (b) of claim 25, steps (c), (d), and (e) can be performed in any order, with the recited proviso that step (e) follow step (d). Applicants respectfully submit that this results in at least the following post-(b) step order options: (1) (c)-(d)-(e); (2) (d)-(e)-(c); and (3) (d)-(c)-(e) (nothing in claim 25 requires that step (e) immediately follow step (d), just that it occur thereafter). Applicants respectfully submit that the existence of more than one step order does not render the claim indefinite, so long as the permutations are not sufficiently large as to inhibit understanding of the possibilities by one of ordinary skill in the art. If nothing else, Applicants' relatively small number of step orders, e.g., as enumerated above, is insufficient to render the claim indefinite. Further, it is Applicants' contention that even the inclusion of step (f) in dependent claim 27 does not increase the number of step order permutations to an unwieldy number. Indeed, dependent claims 28 and 29 further recite requirements for step order to clarify some preferred embodiments.

Further, although Applicants acknowledge that step order option (1) may be described in the originally-filed specification as an enumerated/preferred order, there is no reason for Applicants to limit claim 25 to that step order. Indeed, if Applicants were to amend claim 25 as

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the Examiner had indicated, the proviso at the end of step (e) would be meaningless. In many of the claims depending from claim 25, Applicants deliberately recited step orders, specifically because of the flexibility of the step order in independent claim 25.

For any of the foregoing reasons, Applicants respectfully submit that claims 25-29, as amended, are not indefinite and respectfully request that the indefiniteness rejection be reconsidered and withdrawn.

CONCLUSION

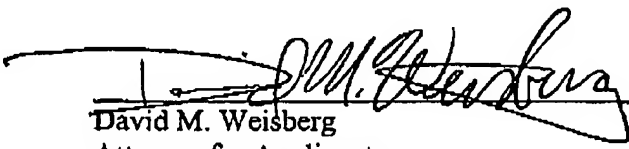
Based on the Remarks above, it is believed that the currently amended claims, and thus also this application, are in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary for a timely response, this paper should be considered as a petition for an Extension of Time sufficient for a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2003B003/2).

Respectfully submitted,

Date: 6/22/07


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